

REMARKS

Claims 1-23 are pending in the present application. Claims 21-23 are withdrawn from consideration. Claims 1-20 stand rejected. This application continues to include claims 1-23.

Independent claims 1, 10 and 19 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,962,399 B2. The Examiner indicates that a timely filed terminal disclaimer may be used to overcome this rejection. Submitted herewith is a Terminal Disclaimer directed to U.S. Patent No. 6,962,399 B2. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claims 1, 10 and 19 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,962,399 B2.

Claims 2-9, 11-18 and 20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,962,399 B2 in view of Sakuma (U.S. 5,663,750). As set forth above, a Terminal Disclaimer is submitted herewith directed to U.S. Patent No. 6,962,399 B2, which thus removes the primary reference from this rejection. Accordingly, this rejection of claims 2-9, 11-18 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,962,399 B2 in view of Sakuma is now overcome.

Notwithstanding, claims 2-9 depend, directly or indirectly, from claim 1; claims 11-18 depend, directly or indirectly, from claim 10; and claim 20 depends from claim 19. Accordingly, claims 2-9, 11-18 and 20 are believed allowable due to their respective dependence from an otherwise allowable base claim.

In addition, claims 2-9, 11-18, and 20 are patentable in their own right.

For example, with respect to claims 2, 6, 11, 15 and 20, Sakuma does not disclose, teach, or suggest defining a respective number of print swaths for each of the plurality of print modes at which a next print density of a plurality of print densities will be selected (to facilitate the progressively reducing step). In rejecting claims 2, 6, 11, 15 and 20, the Examiner relies on Sakuma column 8, lines 7-13. However, the cited passage discloses an amount of a single reduction, depending on which of the two print modes the system is operating. Sakuma does not disclose, teach, or suggest defining a respective number of print swaths for each of said plurality of print modes at which a next print density of a plurality of print densities will be selected, nor does Sakuma disclose, teach or suggest doing so to facilitate said progressively reducing step, since Sakuma does not disclose, teach, or suggest any progressive reduction of image density. Accordingly, claims 2, 6, 11, 15 and 20 are believed patentable in their own right.

In rejecting claims 4 and 13, the Examiner relies on Sakuma column 2, lines 5-12 and column 8, lines 15-25, for disclosing “said notice threshold is one of a plurality of thresholds, each of said plurality of thresholds having associated therewith a respective corresponding amount of ink remaining.” Sakuma column 2, lines 5-12 discusses a single threshold, and column 8, lines 15-25 describes alternative ways to reduce image density, without any reference to a threshold. Nowhere in the cited passages is there any disclosure, teaching or suggestion of multiple thresholds. In each of the Sakuma embodiments, depicted in Figs. 4-10, there is only one threshold, and that is whether there is “a little ink left”. Accordingly, claims 4 and 13 are believed patentable in their own right.

In rejecting claims 5 and 14, the Examiner relies on Sakuma column 8, lines 7-13, for disclosing, “defining a plurality of print densities for use in progressively reducing said image density of said image” (claim 5) and “selecting a print density from a plurality of print densities for use in progressively reducing said image density of said image” (claim 14). However, the print densities of Sakuma in the cited passage are not used in “progressively reducing said image density” [based on a print mode the imaging apparatus, e.g., ink jet printer, was operating in when the notice threshold was reached, as recited in the respective base claim]. Rather, in the relied on passage from Sakuma, one density is used if the threshold is reached when operating in the normal mode, and another print density is used if the threshold is reached when operating in the draft mode. Accordingly, claims 5 and 14 are believed patentable in their own right.

Claims 7, 8, 16 and 17 are believed patentable in their own right for substantially the same reasons set forth above with respect to claims 6 and 15, respectively.

Claims 9 and 18 are directed to, wherein the step of progressively reducing an image density is achieved relatively uniformly for each of a first print mode and a second print mode. For reasons set forth above, Sakuma does not disclose, teach or suggest progressively reducing an image density, and accordingly, cannot disclose, teach or suggest uniformly progressively reducing an image density for each of a first print mode and a second print mode. Accordingly, claims 9 and 18 are believed patentable in their own right.

For the foregoing reasons, Applicants submit that the pending claims are in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

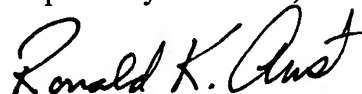
In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby

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conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

Respectfully submitted,



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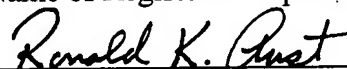
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Signature

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March 29, 2006

Date